

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

| | | |
|---------------------------------|---|-----------------------------------|
| CASSIUS M. CLAY, SR. |) | |
| Petitioner |) | |
| |) | |
| vs. |) | Civil Action No. 06-1255 |
| |) | Judge Donetta W. Ambrose/ |
| RAYMOND SOBINA, Superintendent; |) | Magistrate Judge Amy Reynolds Hay |
| THE DISTRICT ATTORNEY OF THE |) | |
| COUNTY OF ALLEGHENY; THE |) | |
| ATTORNEY GENERAL OF THE STATE |) | |
| OF PENNSYLVANIA, |) | |
| Respondents |) | |

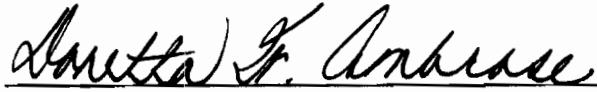
ORDER

AND NOW, this 28th day of June, 2007, after the Petitioner, Cassius M. Clay, Sr., filed an action in the above-captioned case, and after a Report and Recommendation was filed by the United States Magistrate Judge granting the parties ten days after being served with a copy to file written objections thereto, and no objections having been filed, and upon independent review of the record, and upon consideration of the Magistrate Judge's Report and Recommendation, which is adopted as the opinion of this Court,

IT IS HEREBY ORDERED that the habeas petition filed pursuant to 28 U.S.C. Section 2254 is transferred to the Court of Appeals for the Third Circuit forthwith because it is a second or successive petition and this court lacks subject matter jurisdiction over such petitions;

IT IS FURTHER ORDERED that a certificate of appealability is denied.

IT IS FURTHER ORDERED that, pursuant to Rule 4(a)(1) of the Federal Rules of Appellate Procedure, if the parties desire to appeal from this Order they must do so within thirty (30) days by filing a notice of appeal as provided in Rule 3, Fed.R.App.P.

A handwritten signature in black ink, appearing to read "Donetta W. Ambrose", written over a horizontal line.

DONETTA W. AMBROSE
Chief United States District Judge

cc: Honorable Amy Reynolds Hay
United States Magistrate Judge

Cassius M. Clay, Sr.
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